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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,771

Applicant(s)

NIGGL, HEINZ JUERGEN

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al., [U.S. Patent No. 5,924,625] in view of Krantz [U.S. Patent No. 1,557,066]. Klein (figures 1-7b) teaches of a mechanical connection comprising: a casing [made out of ordinary materials – col. 1] having a base part (6), first and second side walls (12, 18 & 14, 22) and a rear wall (16) such that when assembled, each side wall adjoins one side of the rear wall, each side wall having a top rear corner in a region displaced from the base part and adjacent to where the side wall joins the rear wall when assembled (see fig. 1), the base part, the first and second side walls and the rear wall all being formed from a single part; a cutout (48, 54 for example) formed in each of the side walls in the region of the top rear corner, the cutouts being completely surrounded by the sheet material; an angled section (8) formed on the rear wall and extending across a top of the rear wall such that when assembled, the angled extension extends from the first side wall to the second side wall (note fig. 3 for example); and hook shaped extensions (42, 44 for example) provided at sides of the angled section, the hook shaped extensions snapping [in as much as applicant's invention performs this function] into the cutouts of the side walls when the rear wall is swung into position, wherein the angled section extends out and away from the rear

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wall when assembled [at 90 degrees to the rear wall – fig. 3] and the hook-shaped extensions extend out of the angled section and then extend back toward said rear wall. The extensions are sloped such that the width increases from a front to a back of the extensions [see figures 7a-7b]. The extensions are formed integrally with the angled section. The angled section extends substantially parallel to the base part when assembled (figs. 3-4). Klein teaches applicant's inventive claimed structure as disclosed above, but does not show the casing as being formed out of sheet metal. Krantz (figures 1-3) is cited as an evidence reference to show that it was known at the time the invention was made to form a casing out of a single sheet [blank] of sheet metal. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the material of Klein so as to utilize any of the known array of materials, one being metal, as taught by Krantz because the metal material would allow the casing to be punched from a single sheet of material and then folded to form the casing. The substitution of one material for another known material has been held to be within the general skill of a worker in the art; furthermore, the substitution of one material for another would not adversely affect the function of the casing being formed in this instance.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noonan [U.S. Patent No. 4,305,544] in view of Krantz [U.S. Patent No. 1,557,066]. Noonan (figures 1-4) teaches of a mechanical connection comprising: a casing [preferably made of paperboard] having a base part (12), first and second side walls (24, 36) and a rear wall (20) such that when assembled, each side wall adjoins one side of the rear wall, each side wall having a top rear corner in a region displaced from the base part and adjacent to where the side wall joins the rear wall when assembled

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(see fig. 3 for example), the base part, the first and second side walls and the rear wall all being formed from a single part; a cutout (44) formed in each of the side walls in the region of the top rear corner, the cutouts being completely surrounded by the sheet material; an angled section (40) formed on the rear wall and extending across a top of the rear wall such that when assembled, the angled extension extends from the first side wall to the second side wall (note fig. 2 for example); and hook shaped extensions (42 for example) provided at sides of the angled section, the hook shaped extensions snapping [in as much as applicant's invention performs this function] into the cutouts of the side walls when the rear wall is swung into position, wherein the angled section extends out and away from the rear wall when assembled [at 90 degrees to the rear wall – fig. 2] and the hook-shaped extensions extend out of the angled section and then extend back toward said rear wall. The extensions are sloped such that the width increases from a front to a back of the extensions [see figure 1 for example – the width gets wider as you get further away from the distal end of each extension]. The extensions are formed integrally with the angled section. The angled section extends substantially parallel to the base part when assembled (fig. 2).

Noonan teaches applicant's inventive claimed structure as disclosed above, but does not show the casing as being formed out of sheet metal. Krantz (figures 1-3) is cited as an evidence reference to show that it was known at the time the invention was made to form a casing out of a single sheet [blank] of sheet metal. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the material of Noonan so as to utilize any of the known array of materials, one being metal, as taught by Krantz because the metal material would allow the casing to be punched from a single sheet

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of material and then folded to form the casing. The substitution of one material for another known material has been held to be within the general skill of a worker in the art; furthermore, the substitution of one material for another would not adversely affect the function of the casing being formed in this instance.

Response to Arguments

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haas, McClure, Strasevich et al., and Frankenstein describe mechanical connections with a foldable sheet material.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date


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of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
October 28, 2005